

## § 176-8.0 SITE PLAN REVIEW

### 8.1. GENERAL REGULATIONS

- A. AUTHORITY AND PURPOSE. These regulations governing site plan review are adopted under §[135-9.5.4.2](#) of the Zoning Bylaw to create uniform procedures and standards for the review of site plans submitted to the Town. Said review is intended to protect the health, safety, convenience, and general welfare of the inhabitants of the Town of Lexington by assessing potential impacts on municipal services and utilities, traffic, the environment and aesthetics and by assuring that the same are adequately considered. Site plan review is not aimed at the prohibition of permitted uses in a zoning district, but at the reasonable regulation of them consistent with the public interest.
- B. AMENDMENT. These regulations may be amended from time to time by a majority vote of the Planning Board at any regularly scheduled, public meeting, following notice and a public hearing as required by §[135-9.5.4.2](#) of the bylaw.
- C. CONFLICT. If there is any inconsistency or conflict between the rules and the bylaw, the bylaw controls.
- D. EFFECTIVE DATE. These regulations and any later amendments thereto, must become effective on the date the same are adopted. A copy of these regulations must be filed in the office of the Town Clerk in seven days of the date of adoption, and made available for inspection by any person or entity upon request.

### 8.2. ADMINISTRATIVE REGULATIONS

- A. APPLICABILITY. Under §[135-9.5.2](#) of the bylaw, the following types of activities and uses require site plan review:
  - (1) Exterior construction or expansion of a structure resulting in an increase of 500 square feet or more of total building gross floor area or 500 square feet or more of site coverage in any three-year period; or
  - (2) Any proposed change(s) to an approved site plan, defined as any proposed change to a previously approved special permit or site plan that deals with lighting, increasing the number of parking spaces, or any change to landscaping.
- B. PLANNING BOARD DESIGNEE FOR MINOR SITE PLAN REVIEWS. The Planning Director is the Planning Board's designee for the review and approval of minor site plan reviews. The Planning Director may consult with other municipal officials and agencies in the performance of his or her duties.
- C. PREAPPLICATION REVIEW.
  - (1) Sketch Site Plan. All applicants are encouraged to submit a sketch site plan to the Town's Planning Department for review in advance of filing an application with the Board. Sketch site plan do not constitute a formal application for site plan review.
  - (2) Appointment with Town staff. Before or upon submittal of a sketch site plan, the applicant must contact the Planning Department to schedule an appointment with Town staff to review the same.
  - (3) Scope of review. Town staff will review the sketch site plan in an effort to promote greater efficiency in the formal review process. Such review will be limited to technical issues in the areas of Town staff's expertise. While Town staff may offer opinions on

the viability of a particular site modification, improvement or design, compliance with these regulations and/or the probability of securing waivers therefrom, all such comments are nonbinding and should not be construed by the applicant to constitute instructions or directives of a binding nature.

- D. **WAIVER OF SUBMITTAL REQUIREMENTS.** The Board, or in the case of a minor site plan its designee, may waive strict compliance with any submittal requirement. Applicants seeking such waivers must meet with the Board in the case of a major site plan, or its designee in the case of a minor site plan, to receive such waivers before the formal submittal.
- E. **WAIVER OF DESIGN STANDARDS.** The Planning Board, or its designee in the case of a minor site plan review, may waive any of the design standards where such waiver is not inconsistent with public health and safety, and where such waiver does not derogate from the purposes of site plan review because the proposed development will adequately serve such goals and objectives, especially in the case of renovation where a full review is determined to be unnecessary.
- F. **APPROVAL.** The Board, or its designee in the case of a minor site plan review, may approve an application subject to such reasonable conditions as may be necessary or appropriate to:
  - (1) Enforce compliance with substantive requirements of this Chapter, unless waived; and
  - (2) Protect the health, safety, convenience, and general welfare of the inhabitants of the Town of Lexington.
- G. **CONDITIONS.** Among its conditions, the Board, or its designee in the case of a minor site plan review, may require the provision of adequate security by the applicant, in such form and amount as may be determined by the Board or its agents, to ensure the satisfactory completion of all improvements required by its site plan approval, exclusive of those being made to privately owned structures. The Planning Board, or its designee in the case of a minor site plan review, may also require a formal commitment of future compliance, including post-permit monitoring programs.
- H. **DISAPPROVAL.** The Board, or its designee in the case of a minor site plan review, may disapprove an application where:
  - (1) The application is incomplete in that the applicant has failed to submit the forms, plans, reports, studies, fees, and other required documents, has been so notified and has failed to remedy the same; or
  - (2) The imposition of reasonable conditions will not ensure the project's compliance with the substantive requirements of these regulations; or
  - (3) The imposition of reasonable conditions will not adequately protect the health, safety, convenience and general welfare of the inhabitants of the Town of Lexington, or the public interest; or
  - (4) The project, as proposed, does not comply with the bylaw.
- I. **LAPSE.** Site plan approval by the Board lapses if building permits for development of the project, where required, have not been issued within two years from the date of approval. The Board may grant an extension of time upon the written request of the applicant for good cause.

### **8.3. MINOR SITE PLAN.**

- A. **APPLICABILITY.** An application made under [§135-9.5.2](#) of the bylaw and not considered a major site plan under §176-08.D will be considered a minor site plan.

- B. REQUIRED SUBMITTALS. An applicant must submit 1 copy of its application for review of a minor site plan to the Town Clerk and 10 copies of the same to the designee. The designee may require a minor site plan to include, or be accompanied by, any information, and items required by these regulations. However, minor site plans must normally be required to contain only a plot plan, showing the location of all buildings and structures on the lot and including existing conditions and proposed changes, if applicable.
- C. FEE REQUIRED. A fee is required under §176-03 of these Regulations.
- D. DECISION BY THE DESIGNEE. The designee under the standards set forth here, reviews minor site plans. The designee must, after review of the minor site plan, file a written decision in 60 days of receipt of the application in the office of the Town Clerk, and notify the applicant of its decision. The required time limits for the filing of such decision may be extended by written agreement of the applicant and the designee, and a copy of such agreement must be filed in the office of the Town Clerk. Failure by the designee to act in the sixty-day period is considered approval of the minor site plan. The applicant who seeks such approval because of the failure of the designee to act in the time prescribed must notify the Town Clerk, in writing, in 14 days from the expiration of said 60 days or extended time, if applicable, of such approval.
- E. APPEAL. The decision of the designee on a minor site plan may be appealed to the Planning Board. Such appeal must be filed with the Board in 14 days of the filing of the designee's decision with the Town Clerk. The appeal of a minor site plan must conform to the requirements of a major site plan with the exception that the decision of the Planning Board must be filed with the Town Clerk in 60 days of the date the appeal is filed. All costs of mailed notice and publication of notice must be borne by the party appealing the decision.

#### 8.4. MAJOR SITE PLAN

- A. APPLICABILITY. An application made under [§135-9.5.4.1](#) of the bylaw will be considered a major site plan when:
  - (1) Exterior construction or expansion of structures which results in an increase of more than 8,000 square feet of total building gross floor area, or 8,000 square feet of total site coverage in any three-year period; or
  - (2) The available parking on the site is increased by more than 24 parking spaces in any three-year period.
- B. REQUIRED SUBMITTALS. An applicant must submit 1 copy of its application for review of a major site plan to the Town Clerk and 10 copies of the same to the Board, including, unless waived, all of the following materials as described in 176-04:
  - (1) A definitive site development plan, except that applicants may omit a property rights plan and traffic analysis.
  - (2) A landscaping plan;
  - (3) A lighting plan;
  - (4) If applicable, the Parking and Transportation Demand Management (PTDM) plan described in [§135-7.2.6](#) of the bylaw and proof of payment of the transportation mitigation fee described in [§135-7.2.5](#) of the bylaw.
  - (5) Proposals for mitigating measures or the construction of improvements to address the impacts, except traffic impacts, of the proposed development and to provide adequate capacity in Town facilities and services.

- (6) A checklist showing compliance with, or waivers sought from, the design standards of Subsection E. Any waiver request must be accompanied by a written statement indicating why such waiver should be granted.
- (7) A list indicating which items on the LEED Core and Shell Scorecard, or equivalent scorecard, are intended to be included in the design and construction of the building(s).
- (8) A copy, if any, of the determination of applicability issued by or the notice of intent filed with the Conservation Commission of the Town of Lexington under MGL c. 131 §40, or Chapter **130** of the General Bylaws of the Town of Lexington.
- (9) A fee per §176-03 of these Regulations. All costs of mailed notice and publication of notice must be borne by the applicant. The Board may also charge, at its discretion in appropriate cases, a technical review fee under MGL c. 44 §53G, which may be used to pay for the services of a consulting attorney, civil engineer, traffic engineer, architect, landscape architect, or other professional. Failure to pay the administrative fee or technical review fee is grounds for denial of the application.

C. PROCEDURES.

- (1) Public hearing. The Planning Board must conduct a public hearing after publication, posting and notice per MGL c. 40A §11.
- (2) Majority required. The decision of the Planning Board must be by majority vote of the Board as constituted (i.e., three affirmative votes).
- (3) Filing; time limits. The Planning Board must provide a written decision, by majority vote, and file such decision in the office of the Town Clerk in 60 days of the date of application. The required time limits for the filing of such decision may be extended by written agreement of the applicant and the Board, and a copy of such agreement must be filed in the office of the Town Clerk. Failure by the Board to act in the sixty-day period is considered approval of the major site plan. The applicant who seeks such approval by reason of the failure of the Board to act in the time prescribed must notify the Town Clerk, in writing, in 14 days from the expiration of said sixty days or extended time, if applicable, of such approval and that notice has been sent by the applicant to parties in interest as defined in MGL c. 40A §11. The applicant must send such notice to parties in interest by mail, and each notice must specify that appeals, if any, must be made under MGL c. 40A §17 and must be filed in 20 days after the date the Town Clerk received such written notice from the applicant that the Board failed to act in the time prescribed.

- D. APPEAL. Any person aggrieved by a decision of the Board made under this Chapter 176-8.0, may appeal said decision to a court of competent jurisdiction under MGL c. 40A §17.

## 8.5. DESIGN STANDARDS

The following standards apply to applications for site plan review:

- A. LIGHTING. Lighting standards are the same as those in §§135-5.4.4 through 135-5.4.6 of the Zoning Bylaw. However, the applicant must also demonstrate that internal lighting does not cause overspill onto abutting properties, the street, or into the night sky.
- B. SIGNS. Sign standards are the same as §[135-5.2.8](#) of the bylaw.
- C. NOISE. Noise standards are the same as §[80-4](#) of the Code of Lexington, as may be amended.

- D. LANDSCAPING. Landscaping standards are the same as those of §§135-5.3.4 through 5.3.10, 5.3.13, 5.3.14 and 5.1.13.9 of Zoning Bylaw, as may be amended.
- E. STORMWATER MANAGEMENT. Stormwater management standards are the same as those per Chapter [114](#) of the Code of Lexington and the rules and regulations of the Board of Health, as may be amended. In addition, all stormwater management facilities must comply with the Department of Environmental Protection's Stormwater Management Regulations, 314 CMR 21.00 et seq., as may be amended.
- F. AESTHETICS. In determining the appropriateness of buildings, design elements of proposed buildings must be evaluated in relation to existing buildings adjacent or surrounding buildings. The Planning Board may not consider interior arrangements. The back and sides of each building must be given architectural care particularly if available for view by the public.

## 8.6. SITE DEVELOPMENT STANDARDS

- A. LAND DISTURBANCE. Site and building design must preserve natural topography outside of the development footprint to reduce unnecessary land disturbance and to preserve natural drainage on the site.
- B. CLEARING FOR UTILITY TRENCHING. Clearing for utility trenching must be limited to the minimum area necessary to maneuver a backhoe or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling for utilities installation should be used wherever feasible to protect root systems of trees.
- C. NEW SITES. Placement of new buildings, structures, or parking facilities must blend with the natural landscape. New building sites must be directed away from the crest of hills, and foundations must be constructed to reflect the natural terrain. Sites must be designed in such a way as to avoid impacts to rare and endangered species and wildlife habitat on a site, and to maintain contiguous forested areas.
- D. ARCHEOLOGICAL OR HISTORICAL RESOURCES. The proposed development must be consistent with the applicable standards of the Historical Commission and the Massachusetts Historical Commission.
- E. PRESERVATION OF EXISTING VEGETATION. Priority must be given to the preservation of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees. Understory vegetation beneath the drip line of preserved trees must be retained in an undisturbed state. During clearing and construction activities, all vegetation to be retained must be surrounded by temporary protective fencing or other measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Barriers must be large enough to encompass the essential root zone of all vegetation to be protected. All vegetation inside the protective fencing must be retained in an undisturbed state.
- F. REMOVAL OF INVASIVE SPECIES. The removal of invasive species and restoration of the disturbed area with native plants will be required.
- G. LIMIT OF CLEARING. Development envelopes for structures, driveways, wastewater disposal, lawn areas, and utility work must be designated to limit clearing and grading, except as provided in Part F above. Disturbed areas must be restored with native plants.
- H. LOCATION OF CONSTRUCTION ACTIVITIES. To minimize the clearing and grading on a site associated with construction activities such as parking of construction vehicles, offices/trailers,

stockpiling of equipment/materials, such activities may be limited to areas already planned for permanent structures. Topsoil must not be stockpiled in areas of protected trees or wetland resource areas.

- I. FINISHED GRADE. Finished grades in disturbed areas should be limited to no greater than a 3:1 slope (rise over run), while preserving, matching, or blending with the natural contours and undulations of the land to the greatest extent possible. Finished grade must be no higher than the trunk flares of trees to be retained, unless tree wells are used.
- J. PHASING OF DEVELOPMENT. The extent of a site exposed at any one time through phasing of construction operations must be limited. Effective sequencing must occur inside the boundaries of natural drainage areas.
- K. REVEGETATION. Proper revegetation techniques must be employed during construction using native plant species, proper seedbed preparation, fertilizer and mulching to protect germinating plants. Revegetation must occur on cleared sites in the first planting season appropriate to the selected plant species. Proposed landscaping must include native and drought-tolerant species and prohibit invasive or nonnative plants.
- L. TOPSOIL. A minimum of six inches of topsoil must be placed on all disturbed surfaces, which are proposed to be planted.
- M. IRRIGATION. In general, the need for irrigation must be avoided by appropriate planting. The Planning Board may require that water to irrigation must be provided by an on-site well, cisterns, or other acceptable and feasible method.

#### **8.7. PEDESTRIAN AND VEHICULAR ACCESS; TRAFFIC MANAGEMENT**

- A. ACCESS. Access via roadways abutting residential districts must be avoided where possible. Entry to and exit from a development with frontage on more than one street must be in a way that causes the least impact to the surrounding neighborhoods as determined by the Planning Board.
- B. DRIVEWAYS. All driveways must be designed to afford adequate sight distance to pedestrians, bicyclists, and motorists exiting to public ways. Improvements may be required on the public way for vehicular turning movements in or out of the site and safe pedestrian access to adjoining sidewalks, paths, walking trails or bikeways.
- C. CURB CUTS. Curb cuts must be limited to the minimum width for safe entering and exiting. The location of driveway openings in relation to traffic and to adjacent streets must provide for the convenience and safety of vehicular and pedestrian movement inside the site. The number of curb cuts must be minimized.
- D. INTERIOR CIRCULATION. The proposed development must assure safe interior circulation inside its site by separating pedestrians, bikeways, and vehicular traffic. Internal circulation must be planned to accommodate existing or planned transportation demand management services such as, but not limited to, public transit, ride sharing, and shuttle services. Traffic calming measures such as crosswalks, bike lanes, rumble strips, and landscaped islands will be required, where appropriate, inside the site to maximize pedestrian and cyclist safety.
- E. TRANSPORTATION PLAN APPROVAL. Developments where the applicant elects to proceed under the provisions of [§135-7.2.5](#) of the Zoning Bylaw must be consistent with both the Parking and Transportation Demand Management (PTDM) plan described in [§135-7.2.6](#) of the bylaw and the TMO District plan described in [§135-7.4.2](#) of the bylaw.

- F. SIGHT DISTANCE. Acceptable sight distance must be provided and maintained at all entrance and exit locations. At a minimum, these site distances must meet the stricter of the Massachusetts Highway Department and American Association of State Highway Transportation Officials standards for safe stopping sight distances.
- G. MAXIMUM PARKING. The development must provide no more parking than that to serve the needs of reasonably anticipated activities and uses.
- H. PEDESTRIAN AND BICYCLE SAFETY. Pedestrian and bicycle circulation, and the amenities required by them, on and off site, must conform to **§135-5.1.8** of the Zoning Bylaw and the following requirements:
  - (1) All development and redevelopment must provide for pedestrian and bicyclist connections on the property and allow for possible future connections with adjoining properties.
  - (2) Pedestrian access must connect to all building entrances with further connections to local pedestrian arteries.
  - (3) Proposed development and redevelopment must provide enough rights-of-way on their properties to accommodate expected needs for bicycle and pedestrian use.
  - (4) Sidewalks, crosswalks, walkways, bike racks, or other pedestrian access must be provided to allow access to adjacent properties and between individual businesses inside a development.
  - (5) If the property abuts a public bikeway/right-of-way, a paved access route to the bikeway may be required.
- I. LOCATION OF PARKING AREAS. Where feasible, parking areas must be located to the side or behind buildings to provide an appropriate setting for the building inside the context of the site and neighborhood and allow parking areas to be shared with adjacent businesses. The Planning Board may require alternative studies of parking lot layouts. Except where physical constraints, site configuration, or safety considerations preclude strict compliance, all parking must be accessible by driveways to the parking lots of adjacent nonresidential uses and land zoned for nonresidential uses.

## **8.8. UTILITIES**

- A. LOCATION. All utilities must be installed underground.
- B. WASTEWATER. There must be adequate capacity to meet the flow demands of the proposed use under the standards of the Department of Public Works, the Board of Health, and the Massachusetts Department of Environmental Protection.
- C. WATER. The Department of Public Works must confirm that there is adequate water capacity to meet the flow demands of the proposed use.